IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 33758-M of 2006

DATE OF DECISION : 15.12.2006

Kamal Mahajan and others

.... PETITIONERS

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Majithia, Advocate, for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Ms. G.K. Mann, Advocate, for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 38 dated 13.3.2002 registered under Sections 406/498-A IPC at Police Station Division No.8, Jalandhar.

In pursuance of the notice issued by this Court, respondent No.2-complainant has appeared and has filed her affidavit. She has made the following statement :-

> "My marriage with petitioner No. 1 Kamal Mahajan was solemnized on 5.4.2000. From our marriage, one male child was born to me. Thereafter, due to the harassment caused to me by my husband and his family members, I was compelled to lodge FIR No. 38 dated 13.3.2002 registered under Sections 406/498-A IPC at Police Station Division No.8, Jalandhar. During the pendency of the case, with the intervention of the family members and the relatives, we compromised the matter. In pursuance of the said compromise, petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by

mutual consent was filed by us. The District Judge, Jalandhar, vide judgment and decree dated 15.11.2006 has passed the decree of divorce by mutual consent. I am filing photo copy of the decree and it be taken on record. As per the compromise, my son is living with me and I will keep him. Every thing has been settled. Now nothing is due against petitioner No.1. I have no objection if the aforesaid FIR is quashed."

The aforesaid statement of the complainant has been counter-signed by her counsel.

I have heard the arguments of learned counsel for the parties.

Keeping in view the aforesaid statement made by respondent No.2-complainant and the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be futile because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 38 dated 13.3.2002 registered under Sections 406/498-A IPC at Police Station Division No.8, Jalandhar and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

December 15, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**